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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 HARRY L. BATISTE,

9 Plaintiff,

10 v.

11 C. HALL,

12 Defendant.

Case No. 2:13-cv-01286-APG-VCF

**ORDER ACCEPTING REPORT &
RECOMMENDATION**

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14 On August 6, 2013, Magistrate Judge Ferenbach entered his Report and
15 Recommendation [Dkt. #3], recommending that plaintiff Harry Batiste's Application to
16 Proceed in Forma Pauperis [Dkt. #1] be denied without prejudice, and that his Motion to
17 Extend Time to File Complaint [Dkt. #2] be denied. Pursuant to Local Rule IB 3-2, any
18 objections to that Report and Recommendation had to be filed within 14 days thereof.
19 To date, no objections have been filed. Judge Ferenbach's Report and
20 Recommendation sets forth the proper legal analysis, and the factual basis, for the
21 decision. Moreover, because no proposed Complaint was submitted, it was impossible
22 for Judge Ferenbach to screen it. Therefore,

23 **IT IS HEREBY ORDERED** that the Report and Recommendation is accepted.

24 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Extend Time to File
25 Complaint [Dkt. #2] is **DENIED**.

26 **IT IS FURTHER ORDERED** that Plaintiff's Application to Proceed in Forma
27 Pauperis [Dkt. #1] is **DENIED** without prejudice against his ability to re-file a proper
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1 application that complies with the relevant statute. Plaintiff shall have 30 days from the
2 date of this Order to re-file a proper Application to Proceed in Forma Pauperis, and
3 attach thereto a proposed Complaint. If Plaintiff decides not to, proceed in Forma
4 Pauperis, he shall pay the appropriate filing fee and file his Complaint. If Plaintiff fails to
5 do either of these within 30 days of the date of this Order, this case will be dismissed.

6 Dated: October 7, 2013.

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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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